

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

MICHAEL J. BURGESS, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

SPIN MASTER, LTD.,

Defendant.

Case No. 3:07-cv-05110

**DEFENDANT’S MOTION TO STAY ALL PROCEEDINGS PENDING TRANSFER
DECISION BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Spin Master, Ltd. (“Moving Defendant”) respectfully moves this Court to stay all proceedings in this action (including the time to answer or otherwise respond to Plaintiff’s Complaint) pending resolution of their motion before the Judicial Panel on Multidistrict Litigation (“JPML”) for transfer of this case, together with six other cases, to a single court for coordinated pretrial management pursuant to 28 U.S.C. § 1407.

A Brief in Support of this Motion is filed contemporaneously herewith.

WHEREFORE, Moving Defendant respectfully requests that the Court grant their Motion to Stay All Proceedings Pending Transfer Decision by the JPML.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.



By: _____

John K. Sherk, #35963

Laurel J. Harbour, #25995

Andrew D. Carpenter, #47454

2555 Grand Blvd.

Kansas City, Missouri 64108-2613

Telephone (816) 474-6550

Facsimile (816) 421-5547

jsherk@shb.com

lharbour@shb.com

ATTORNEYS FOR MOVING DEFENDANT
SPIN MASTER, LTD.

CERTIFICATE OF SERVICE

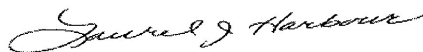
I hereby certify that on January 23, 2008, I filed the above and foregoing with the Court's ECF system and further served a true and correct copy of the above and foregoing by U.S. mail, postage prepaid, upon:

Ralph K. Phalen
RALPH K. PHALEN ATTY. AT LAW
1000 Broadway, Suite 400
Kansas City, Missouri 64105

David Spencer
MCGONAGLE SPENCER, P.C.
105 East 5th Street, Suite 302
Kansas City, Missouri 64106

Ben Barnow
BARNOW AND ASSOCIATES, P.C.
One North La Salle Street, Suite 4600
Chicago, Illinois 60602

COUNSEL FOR PLAINTIFF



ATTORNEYS FOR MOVING DEFENDANT